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MESSAGE

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GOVERNOR F. H. COONEY

TO THE

Twenty-third Legislative Assembly
in Extraordinary Session

OF THE

STATE OF MONTANA

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STATE PUBLISHING CO., HELENA, MONT.

GOVERNOR'S MESSAGE

To the Members of the Twenty-third Legislative Assembly in Extraordinary Session:

Nothing short of an emergency of imperative nature would impel me to assemble you at this period in the State's life. Our financial situation is not such as to make it desirable to hold a costly session, and it was my hope that we might be able to go through the winter without this. But after numerous conferences with our citizens and several with those in charge of affairs at the seat of government in Washington, I have been forced to the conclusion that Legislative action on the part of Montana is absolutely necessary if we are to enable ourselves to take advantage of the terms of the National Recovery Act and of the National Emergency Relief Act.

It is not necessary to dwell at any length upon our condition today—upon our widespread unemployment due to the stagnation in most of our industries, and upon the distress that has come upon thousands of our citizens who have suffered by reason of conditions on our farms due to drought and other causes. The nation cannot be expected to recover its equilibrium over night, and by the same token it cannot be expected that there can come such a recovery in our industries that the jobless thousands can be called back to work tomorrow. Montana faces a winter in which climatic conditions will greatly retard work on such projects as may be approved by the Federal government.

What, then, are we to do about the relief of those who have been cared for by Federal funds during the last eighteen months? The parent government has made it plain to us that Montana must share a part of the burden of caring for its own needy, which is only right and proper. We have received vast sums for relief from the Federal government, and for us to neglect or refuse to do our utmost toward carrying a share of the burden would be a stain upon the good name of the commonwealth. The need for action on the part of the State is emergent. This is the reason paramount for calling you in special session.

We Must Do Our Part

Sixteen months ago Montana began receiving relief funds from the Federal government, starting with some half a dozen counties on the list. This steadily grew until early in the present year each of our fifty-six counties was on the roll. By the time we complete the seventeenth month on the last day of this year Montana will have received approximately five million dollars for distribution among the unemployed and distressed.

Recently the Federal government made it known that beginning with the new year its contribution would be reduced materially—to be exact, that it would furnish only one-third of the amount necessary for relief, the remaniing two-thirds to be raised equally by the counties and the State. In computing the contributions by the counties the poor funds and amounts raised by charitable organizations will be taken into account.

These relief funds are administered by the State Relief Commission, with headquarters in the Capitol. Within the past few weeks the new setup decreed at Washington places the duties of the Civil Works Administration in the hands of this body. It is deemed advisable that legislation be enacted at this session which will clarify and extend the powers of the Relief Commission, more definitely define the duties of those charged with the distribution of the funds by the State and its political subdivisions, and make such appropriations as may be necessary in the premises.

By those in close touch with the relief situation throughout the State it is estimated that we shall need not less than four million dollars for relief during the next fourteen months. Which brings us to the engrossing question, How shall the State's portion of this sum be raised? There are many advocates of the sales tax idea, but such a tax would not appeal to the people unless the law could be so framed as to make it *impossible* for the tax to be passed on to the consumer. There are some who suggest that the sum be raised by an additional tax on gasoline, but I doubt that the people would look with any degree of favor upon a measure that would add to the six and one-half cents tax they are now paying for gasoline. No one desires to add one whit to the burden of the taxpayer, but the stubborn fact remains that Montana must raise this money if widespread misery is to be avoided during the next twelvemonth, and I rely upon the wisdom and the patriotism and the humane instincts of this body to devise a method that will care for our distressed without undue hardship upon the people at large.

It has been said of Montana that if the automobiles owned in the State could be impressed into service at a given hour they would

be able to transport every man, woman and child of our population. Surely such a State cannot be accounted helpless in a crisis such as we are facing. We can neither dispute nor evade the responsibility, and it is for this body to work out a solution of the problem.

Public Works Legislation

It has been found that our statutes are not sufficiently comprehensive to permit the State, counties and other subdivisions to obtain grants, loans or advances under the National Industrial Recovery Act for the construction of public works. The construction of these projects would furnish work for many of our unemployed and thus reduce the amount of direct relief needed, and I recommend that you make such amendments to our existing laws as will render it possible to secure the benefits contemplated under the Federal government's plan. I may add that such action would make it possible for the State to make much-needed improvements at the Hospital for the Insane and at the Tuberculosis Sanitarium. Under this plan, as you know, the parent government would make an outright grant of thirty per cent of the total amount borrowed by the State for the work.

Irrigation Projects

The expansion of our irrigation system means a vast deal to the life of our State, and it is recommended that you enact a measure relating to the proper conservation and use of water, and the construction of public works including reservoirs and everything necessary for the building of complete irrigation systems. Such a measure, too, is necessary if we are to enable ourselves to secure moneys from the government for a work that would have been done long ago had the State been able to command funds for such projects. The act proposed would, of course, necessitate the setting up of agencies charged with investigating and controlling such projects.

Garnishment of Wages

In these times of depression and little or no work for the wage-earner there is widespread agitation concerning the matter of garnishment of wages. Pleas have come to me from all sections of the State to include this subject in my call of a special session. It is pointed out that when a man or woman is fortunate enough to secure work after six months or a year or two of idleness his or her wages are promptly garnisheed by some creditor up to the legal limit, regardless of the worker's need or willingness to pay as much

of the debt as may be possible with regard for the wants of his family. These garnishments are distressing to the worker and in some instances they mean the loss of a job, as some corporations make two garnishments cause for dismissal of the employe.

I do not hold with those who turn a pretty phrase by crying that it is a case of "human need against human greed," because I recognize the justice of the claim of the creditor who has perhaps waited for months without recompense for goods or supplies furnished to the worker. But surely there should be some better way than the present one of insuring to the worker that he and his family may be sure of the necessities of life which his paycheck may provide. No plea is made, of course, for the dishonest debtor, who would use this measure as a shield to keep from paying his honest debts, but I believe these cases are rare. I therefore recommend that you enact an amendment to the existing statute so as to protect the paycheck of a wage-earner up to fifty dollars. It seems that this is an emergency measure that might well be enacted without serious injury to anyone.

Automobile License Fees

At your regular session you enacted a bill declaring certain fees for automobile registration. By common report it was the intention of the Assembly to create two classes of cars for purposes of licensing, these being commonly termed "large" and "small." Evidently it was intended that the fee for the large car was to be ten dollars, while the fee for the small car should be only five dollars.

But when this measure went to the Governor's office it was discovered that an error had been made in its enrollment whereby there was imposed a flat rate of ten dollars on all cars. The Assembly had adjourned and the bill could not be returned for correction, and because of other features in the measure it was approved by the Governor.

This matter is submitted to you with the recommendation that this correction in the law be made by amendment of the existing statute.

In this connection I cannot refrain from suggesting that the extremest care be exercised in the enrollment of bills by the proper authorities of the two Houses. Experience at the regular session demonstrated that constant vigilance must be exercised if errors are to be avoided.

Eight-Hour Work Day

House Bill No. 166, entitled "An act prescribing the hours of labor for persons employed in retail stores; persons employed in delivering goods sold in such stores," etc., was enacted at the regular session. In examining the measure I became convinced that in its enrolled state the bill would work an injustice that would outweigh any good that could be accomplished under it. Several delegations of union labor men called to urge that the bill be approved, but when its faults were pointed out it was declared that the bill presented to the Governor was not the measure upon which House and Senate had agreed. Accordingly the bill was vetoed; this, I may add, meeting the approval of the protagonists of the bill as originally passed.

The subject is submitted to you for such action as you may desire to take.

State Liquor Stores

You have at your regular session decreed that the State shall embark in the liquor business. I am thoroughly convinced that the people of Montana will have no more of the open saloon as we knew it in the pre-prohibition days. But while you provided the machinery for embarking upon the business you made no specific appropriation for beginning operations. True, you provided that the State Liquor Control Board might become indebted in a sum not to exceed twenty-five thousand dollars in getting its business established.

Manifestly, this sum is woefully inadequate for a business that is intended to be conducted in each of the fifty-six counties of the State. I therefore recommend that you make an independent appropriation of one hundred thousand dollars to provide for the initial expenses which the Liquor Control Board must incur. It seems that you may do this in all safety, for the optimistic proponents of the system prophesy that this will find its way back to the treasury within a very few weeks.

Indebtedness of Counties

It becomes more and more apparent as the weeks go by that there must be additional legislation relating to funding and refunding indebtedness if some of our counties, municipalities and other political subdivisions are to be saved from default of bonds hitherto issued. In fact, in a few instances default has already occurred. It is urged by these debtors and bondholders alike that this body enact legislation that will make possible a readjustment of the in-

debtedness on terms satisfactory to both parties to the contract and thus save the good name of the county or district involved in the transaction. Such action on your part is recommended.

Redemption From Tax Liens

From all parts of the State come appeals for action by this body in the matter of the time allowed for redemption of real estate from tax liens. It is not pleasant to recur so frequently to the depression and the troubles that come with it, but you will doubtless agree with me that the State might well help its realty owners and taxpayers by legislation that, it can be hoped, will tide them over a situation that promises to deprive many of them of all the property they own and on which they have paid taxes for many years. I therefore recommend that you enact a measure that will extend the time for redemption to at least five years.

Appropriations

Some of the measures herein recommended to you will necessitate appropriations in order to make them effective, and I recommend that in such cases you make as liberal provision as the exigencies of the situation may dictate.

In Conclusion

Finally, let me express the hope that in all your deliberations you may be as expeditious as possible. We are here to work out a solution for a situation for which none of us is responsible. The matter of politics is not involved, and we should meet and confer and legislate with only one aim: the high and holy purpose of enacting laws that will be for the ultimate good of the whole people and that will make it impossible that any citizen within our borders shall suffer from cold or hunger so long as the depression continues. We are all charged with perhaps the gravest responsibility that the State has ever imposed upon its lawmakers, and I look to you to discharge that trust as patriotic citizens of Montana, to the everlasting credit of yourselves and to the enhancement of the welfare of all our people. To this end I shall be proud to work with you with all my heart and soul.